

Court of Appeal Upholds Statutorily Conferred Vested Rights Against Ballot Box Challenge

Redondo Beach Waterfront, LLC v. City of Redondo Beach
2020 Cal. App. LEXIS 634

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California's Second Appellate District has upheld statutorily conferred vested development rights from challenge by a later approved citizens' initiative. The decision reaffirms the power of established vested rights against subsequent ballot box attacks.

In June 2016, developers of the King Harbor Pier Project submitted an entitlement application to the City of Redondo Beach ("City"). That application included a request for a vesting tentative tract map. The City deemed the application complete on June 23, 2016. Five days later, on June 28, 2016, residents submitted a Notice of Intent to Circulate a Petition to stop the Project by amending specific development standards and land use regulations in the City's local coastal program ("Measure C").

Although the City approved the Project and its vesting tentative map in October 2016, in March 2017, City voters subsequently adopted Measure C and the City halted the Project. In ensuing litigation, the developer asserted it had secured vested rights pursuant to Governments Code section 66498.1 when the City deemed its vesting tentative map complete. The trial court agreed.

In upholding the trial court's ruling, the appellate court reiterated that the express intent of Governments Code section 66498.1 was to vest local development projects from subsequent changes in local laws. Because the Waterfront Project's developers had satisfied their statutory vesting requirements—namely securing a deemed complete determination from the City—prior to the filing of Measure C's Notice of Intent, the Project was protected from Measure C's later adoption.

Interestingly, the City and Measure C proponents attempted to argue that the Coastal Commission's independent authority to review and approve the City's local coastal program converted Measure C into a state regulation and beyond the Project's vesting tentative map protections. The court disagreed, noting that the Project was seeking vesting protections from the City's enforcement of Measure C and not the state's.

The decision, which can be found [here](#), is an important reminder of the power of properly established vested rights against subsequent attack—even when that attack comes from the ballot box.

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